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September 28, 2023


VIA ECF

The Honorable Jennifer L. Rochon
United States District Court, SDNY
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

The request is GRANTED. The parties shall adhere to the deadlines set forth in the Amended Civil Case Management Plan and Scheduling Order to be docketed forthwith.

SO ORDERED.

Dated: September 28, 2023
New York, New York


JENNIFER L. ROCHON
United States District Judge

Re: *Esplanade 2018 Partners, LLC v. Mt. Hawley Insurance Company*
1:23-cv-03592-JLR

Dear Judge Rochon:

Esplanade 2018 Partners, LLC (“Plaintiff”) and Mt. Hawley Insurance Company (“Mt. Hawley”) (Plaintiff and Mt. Hawley the “Parties”) write jointly to request a Revised Scheduling Order.

Background

By way of brief background, this case involves a claim for damage to Plaintiff’s office building in Metairie, Louisiana, as a result of Hurricane Ida, which occurred on or about August 29, 2021. Mt. Hawley issued a policy of commercial property insurance to Plaintiff, which, subject to all terms, conditions, limitations, and exclusions, provided coverage for damage to Plaintiff’s building.

On April 28, 2023, Mt. Hawley’s motion to transfer venue was granted and this case was transferred to this Court.

On June 24, 2023, the Court entered its Civil Case Management Plan and Scheduling Order (Doc. 39).

The Parties have diligently pursued discovery in this case, including exchanging written discovery and serving subpoenas duces tecum on relevant third parties, including the Parties’ respective representatives and consultants. The Parties have also been working together to schedule depositions of their respective 30(b)(6) representatives and consultants. However, due to several circumstances, the Parties have not yet been able to complete fact-witness depositions, including of their respective representatives, contractors, and consultants. These circumstances

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include the late-August 2023 filing deadline for Hurricane Ida claims, and the large volume of claims that Mt. Hawley has received, and continues to receive, as a result of the wildfire disaster in Hawaii. These circumstances have combined to limit the availability of counsel and witnesses for depositions in this case.

The Court's June 24, 2023, Scheduling Order provides the following unexpired deadlines, for which the Parties request a brief, three-month extension:

7. Fact Discovery
 - d. Depositions shall be completed not later than October 13, 2023.
 - e. All Fact discovery shall be completed no later than October 13, 2023.
8. Expert Discovery, if any
 - a. Plaintiff's expert disclosures pursuant to Federal Rule of Civil Procedure 26(a)(2) shall be made no later than October 27, 2023.
 - b. Defendant's expert disclosures pursuant to Federal Rule of Civil Procedure 26(a)(2) shall be made no later than November 10, 2023.
 - c. All expert discovery, including expert reports and depositions, shall be completed no later than November 29, 2023.
12. All discovery must be completed no later than November 29, 2023.

Given the issues discussed above, the Parties believe there is good cause to revise the current Scheduling order and respectfully request a three-month extension of all pending deadlines. The Parties also request an additional twenty-six days for the deadline to complete expert discovery in order for the parties to have time to prepare any rebuttal reports or depositions. The Parties have enclosed herewith a proposed Revised Civil Case Management Plan and Scheduling Order providing the following deadlines:

7. Fact Discovery
 - d. Depositions shall be completed not later than January 13, 2024.
 - e. All Fact discovery shall be completed no later than January 13, 2024.
8. Expert Discovery, if any
 - a. Plaintiff's expert disclosures pursuant to Federal Rule of Civil Procedure 26(a)(2) shall be made no later than January 27, 2023.
 - b. Defendant's expert disclosures pursuant to Federal Rule of Civil Procedure 26(a)(2) shall be made no later than February 10, 2024.

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c. All expert discovery, including expert reports and depositions, shall be completed no later than March 26, 2024.

12. All discovery must be completed no later than March 26, 2024.

This is the first request for modification of the Scheduling Order by either of the Parties, and is made not for delay only, but so that the Parties can appropriately prepare this case for trial, and so that justice may be done.

We appreciate the Court's consideration.

Respectfully submitted,

RIESS LEMIEUX, LLC

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cc: All Counsel of Record **Via ECF**